

Zone Change Application Type III Review

Handout #76 Revised 2/25/04



What is a Zone Change?

A zone change involves a process to review the zoning designation attached to a certain parcels of property. If the owner of a parcel desires to establish a use that is not permitted within the existing zoning, they may request the designation be changed to allow the use that they desire.

What is a Comprehensive Plan and Zoning designation?

In 1990 the Washington State Legislature passed the Growth Management Act (GMA) (Revised Code of Washington, RCW 36.70A) to reduce uncoordinated and unplanned growth that was threatening our environment, economic development, and residents' high quality of life. The GMA required fast-growing cities and counties like Clark County to develop a Comprehensive Growth Management Plan (also referred to as the Comprehensive Plan, Comp. Plan, or the Plan). After an extensive public process, Clark County and all of its cities adopted such a plan in 1994. It outlined how the county planned to manage projected population growth over a 20-year period.

Based on this premise, all property within Clark County was assigned a Comprehensive Plan and zoning designation. The Comprehensive Plan designation is a general description of the types of activities that are permitted on the property (e.g., Urban Low Density Residential). The zoning designation is more specific (e.g., R1-20, R1-10, R1-7.5 R1-6 and R1-5). Within the zoning ordinance are included a list of all allowed uses, building setbacks, the lot sizes and other detailed information. Information on the processes for review of different types of development, standards for roads, fees and other related issues can also be found in the Clark County Code (CCC) (also referred to as the zoning code or just code).

LAND USE TYPE	ZONE DESIGNATION	GENERAL LAND USE DESCRIPTION
Single Family Residential	R1-20	Minimum lot area of 1 single family unit per 20,000 square feet
	R1-10	Minimum lot area of 1 single family unit per 10,000 square feet
	R1-7.5	Minimum lot area of 1 single family unit per 7,500 square feet
	R1-6	Minimum lot area of 1 single family unit per 6,000 square feet
	R1-5	Minimum lot area of 1 single family unit per 5,000 square feet
Multi-Family Residential	R-12	Maximum density of 12 multi-family residential units per acre
	R-18	Maximum density of 18 multi-family residential units per acre
	R-22	Maximum density of 22 multi-family residential units per acre
	R-30	Maximum density of 30 multi-family residential units per acre
	R-43	Maximum density of 43 multi-family residential units per acre
Office / Residential	OR-15	Maximum density of 15 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-18	Maximum density of 18 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-22	Maximum density of 22 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-30	Maximum density of 30 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-43	Maximum density of 43 multi-family residential units per acre / Office and limited commercial type uses also permitted
Commercial	C-2	Neighborhood Commercial district- permits commercial uses that provide for convenience shopping needs
	C-3	Community Commercial District - permits commercial uses that provide for regular shopping and service needs for adjacent neighborhoods
	CL	Limited Commercial District – permits commercial uses that provide a full range of goods and services necessary to serve large areas of the county and recognizes areas of existing strip retail along major arterials
	CH	Highway Commercial District – permits commercial uses that serve large areas of the county and the travelling public and also recognize existing strip development. These areas are generally located at interchanges and along state highways and interstates.
Mixed Use	MX	Mixed Use District – provides for a mix of mutually-supporting retail, service, office and residential uses
Office Park / Industrial	OC	Office Campus District – provides for business and professional services, research and development, limited light manufacturing and wholesale trade, and corporate offices along with accessory commercial uses
	BP	Business Park District – provides for areas of not less than 7 acres for limited light manufacturing and wholesale trade, business and professional services, research, business and corporate offices and other similar compatible uses
	ML	Light Industrial District – provides for those less intensive industrial uses which produce little noise, odor and pollution; resource-based uses; and service uses compatible with light industrial uses
Other	MH	Heavy Industrial District – permits industrial and manufacturing uses which are potentially incompatible with most other uses including extensive rail and shipping facilities
	University	University District – Intended to provide long-term opportunities for educational and related uses
	A	Airport District – intended to recognize and protect areas devoted to public use aviation and for activities supporting or dependent upon aircraft or air transportation

When is a Zone Change necessary, and what is the difference between a Zone Change and an Annual Review?

If the owner of a parcel desires to establish a use that is not permitted within the existing zoning, they request the designation placed on the property be changed to allow the use that they desire.

If the existing zoning on the property and the zone that the owner desires have the same Comprehensive Plan designation, the owner can apply for a zone change. If the existing zone and the desired zone have different Comprehensive Plan designations, the owner would have to apply for an Annual Review. A matrix of the different zones that are allowed within the Comprehensive Plan designations is included below.

As an example, as seen in Table 1 below, a zone change (without an associated Comprehensive Plan change) could be completed between the R1-10 and R1-6 zones in the Urban Low Density Residential Comprehensive Plan designation, or between the C-3 and CL Zones in the Community Commercial Comprehensive Plan designation.

An Annual Review is required when a property owner desires to change the Comprehensive Plan designation on the property; e.g., from Urban Low Density Residential to Community Commercial (see list above of all Comp. Plan designations). An Annual Review is also required when the owner wants to change to a significantly higher or lower density or intensity of use; e.g., from Urban Low Density Residential to Urban High Density Residential. Even though both of these uses are residential, because the density is so different, they have different Comprehensive Plan designations, and therefore would require an Annual Review to make the change from one to the other (see Handout #21 Annual Review). It is important to note that when a Comprehensive Plan change is applied for, a zone change is generally completed concurrently through the same process.

20-Year Plan/Base Zoning Districts Matrix -- Urban Designation
Table 1 Urban Plan Designation to Zone Consistency Chart

		COMPREHENSIVE PLAN DESIGNATION											
		Residential			Commercial			Mixed Use	Industrial			Other	
Land Use Type	ZONE	Urban Low	Medium	High	Neighborhood Commercial (NC)	Community Commercial (CC)	General Commercial (CG)	Mixed Use (MU)	OP	Light Industrial (ML)	Heavy Industrial (MH)	Airport (A)	Public Facilities (PF)
Single Family Residential													
	R1-5												
Multi-Family Residential	R-12												
	R-18												
	R-22												
	R-30												
	R-43												
Office/Multi-Family	OR-15												
	OR-18												
	OR-22												
	OR-30												
	OR-43												
Commercial	C2												
	C3												
	CL												
	CH												
Mixed Use	MX												
Industrial	OC\BP												
	ML												
	MH												
Other	University												
	A												

Shaded areas indicate allowed zones in each designation

20-Year Plan/Base Zoning Districts Matrix -- Rural Designation

Table 2 Resource Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	AGRICULTURE	AGRICULTURE / WILDLIFE	FOREST TIER I	FOREST TIER II	PUBLIC FACILITY	AIRPORT
AG 20						

Table 3 Rural Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	RURAL 5, 10, 20	RURAL CENTER RESIDENTIAL	RURAL COMMERCIAL	RURAL INDUSTRIAL	URBAN RESERVE	INDUSTRIAL URBAN RESERVE	PUBLIC FACILITY
RURAL 5, 10, 20							
RURAL CENTER RESIDENTIAL -1							
RURAL CENTER RESIDENTIAL-2.5							
CR 1							
CR 1							
HEAVY INDUSTRY (MH)							
AIRPORT							
URBAN RESERVE - 10							
URBAN RESERVE - 20							

What is the process for reviewing Zone Change requests?

Zone changes are processed through what is called a Type III process. This process begins with a required pre-application conference (see Handout #71, Pre-Application Conference).

The next step is to submit a completed Type III Zone Change Application Form, the appropriate fees and a copy of each of the required submittal items (listed later in this handout) to the Customer Service Center.

What if I didn't submit all of the required information?

The County conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Customer Service staff will conduct a "**Counter Complete**" review of your submittal package. This initial review ensures that **all items with a bold underlined space** listed within the submittal requirements have been submitted before accepting your application (see attached submittal list). These include:

1. Cover sheet & Table of Contents
2. Application Form
3. Pre-Application Conference Report
4. Developer's GIS Packet Information
5. Narrative
6. Traffic Study
7. SEPA (State Environmental Policy Act) Checklist
8. Sewer Purveyor Utility Review Letter
9. Water Purveyor Utility Review Letter
10. Health District Development Review Evaluation Letter
11. Covenants or Restrictions
12. Associated Applications
13. Submittal Copies

Once the application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the "**Fully Complete**" review. This more detailed review ensures that **all items with a box to the left** listed under the numbered headings of the attached "Type III Zone Change Submittal Requirements" have been submitted.

If required items are missing from your original submittal, you will receive a letter of "**Not** Fully Complete," with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five (5) additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a "Fully Complete" determination letter and be vested on the date you submitted the Fully Complete application.

What is Vesting?

Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at the time the fully complete application was submitted.

Examples:

- 1) An application is submitted on June 1st and determined to be “Fully Complete” on June 25th, the application is vested as of June 1st.
- 2) An application is submitted on June 1st and subsequently determined to be “Not Fully Complete” on June 25th. In response, the applicant submits additional information on July 8th. The revised application is subsequently determined to be “Fully Complete” on July 18th (Note: the completeness decision will be made within 14 calendar days of new submittals) The application is vested as of July 8th, the day the fully complete application was submitted.

To be vested on the date a pre-application is filed (i.e., contingently vested), the following conditions must be met:

- 1) All the required pre-application conference information was submitted on the pre-application submittal date (Note: the Pre-Application Conference Report will indicate whether the application is contingently vested); and,
- 2) A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the County issued the Pre-Application Conference Report.

What kind of public notice is provided?

At least 15 calendar days prior to the public hearing date, a notice including the date, time and place of the hearing and describing the proposal will be:

- Posted at the site;
- Published in the newspaper;
- Mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site;
- Neighborhood Association Chair; and,
- Mailed to the applicant.

The notice will invite interested parties to present testimony at the hearing either orally or in writing.

What is a SEPA determination?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed Zone Change be conducted. As a part of the application materials, the submittal of a SEPA checklist is required. County staff and interested agencies will review the checklist and the application to determine its compliance with applicable Federal, State and County Code. The lead agency (in this case, Clark County), must determine if there are possible significant adverse environmental impacts associated with each proposal. The options include the following:

- DS = Determination of Significance - If a DS determination is made, this means that the lead agency, in this case Clark County, believes that the impacts of the proposal cannot be mitigated through conditions of approval. Therefore the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the County considering the proposed Zone Change;
- MDNS = Mitigated Determination of Non-Significance - If a MDNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed through specific conditions of approval. The conditions

are also called mitigations, meaning specific actions the applicant would have to take to offset the impacts of the proposal. The mitigations are normally requirements over and above what county code would dictate;

- DNS = Determination of Non-Significance - If a DNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed by applying the County Code.

The County's determination is based upon information provided from the applicant (i.e., a completed 'Environmental Checklist'), and knowledge of the area and applicable codes. For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report referenced below. As explained above, for a DS, the preparation of an EIS is required prior to any further action. Once the determination has been made by the lead agency, it is then published in the "Columbian" Newspaper. More specific information about the SEPA process is available in a separate handout available at the customer service counter.

What criteria does county staff use to review the application?

During the pre-application conference, staff will discuss all of the relevant criteria for the zone change application, but the main criteria that apply are as follows:

Criteria for all Zone Changes (CCC 40.560.020(H))

Zone changes may be approved *only* when all of the following are met:

1. The requested zone change is consistent with the proposed Comprehensive Plan map designation.
2. The requested zone change is consistent with the Comprehensive Plan policies, location criteria, and the purpose statement of the zoning district.
3. The zone change either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error.
4. There are adequate public facilities and services to serve the requested zone change.

Once my application is "Fully Complete", how is it reviewed?

The first thing that staff will do is to review and analyze your application. It is possible that even though the fully complete review was completed for your application, additional information may be necessary to allow staff to fully analyze the request. If this is the case, staff will contact you.

Staff will then begin preparation of a Staff Report. Staff's role is to prepare a report that summarizes their review of the proposal against all of the relevant criteria in the code (and discussed in the pre-application conference). The staff report will be issued at least fourteen (14) calendar days prior to the public hearing and will contain a recommendation to approve, approve with conditions or deny the application.

Will a public hearing be held?

Within 78 days of a Fully Complete determination, a public hearing will be held before the County's Hearing Examiner to consider the application. In making the decision, the Hearing Examiner must determine if the proposal meets the requirements of the applicable sections of the Clark County Code (CCC). This decision is made after reviewing the proposal, and after considering staff's recommendation and testimony from the public. The Hearing Examiner will

approve, approve with conditions, or deny the application. This decision may be appealed to the Board of County Commissioners.

What happens at the public hearing and when do I get to speak?

First, the applicant or their representative will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over CVTV cable access television. The applicant will next give a detailed description of the project and design considerations, showing the site plan and other drawings by either utilizing the overhead projector or making pre-meeting arrangements to use the Power Point projector.

Once the overview is completed, the applicant may next raise issues regarding the staff report and recommendations. This is also the time for the applicant to address issues that they believe may be brought up during the public testimony portion of the hearing, and/or issues they believe the Hearings Examiner may raise.

Once the applicant has completed their presentation, county staff will present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria.

Following the staff presentation, the hearing will be open to the general public for their testimony. Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony. Finally, the Hearing Examiner will close the public hearing.

When will I receive a decision on my application?

Within 14 calendar days after the date the record closes, the Hearing Examiner will issue a written decision regarding the application. Within 7 calendar days of its issuance, the decision will be mailed to the applicant, other parties of record and the neighborhood association(s).

Can the decision be appealed?

The Hearing Examiner's decision may be appealed to the Board of County Commissioners by the applicant or a party of record (i.e., someone who presented written or verbal testimony, or signed the hearing sign-in sheet on the specific application). An appellant must submit an appeal application and the appropriate fee within 14 calendar days after the written notice of the decision is mailed.

DEVELOPMENT REVIEW ZONE CHANGE APPLICATION SUBMITTAL REQUIREMENTS

The following checklist identifies information to be included with the Application. All items with a bold underlined space (i.e.,) must be submitted before the application will be considered “**Counter Complete**.” All items with a box to the left must be submitted before the application will be determined “**Fully Complete**.” All bulleted items must be submitted, as applicable, but are not a “Fully Complete” requirement. (**Note: The Pre-Application Conference Report will indicate any additional/exempted submittal requirements**).

At the time of application, only **one copy of the main submittal** with original signatures, **shall be submitted and bound by a jumbo clip or rubber band**. One copy of any **special studies** (e.g., wetland, floodplain, etc) **shall also be submitted but bound separately**.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. **COVER SHEET AND TABLE OF CONTENTS** - Each submittal packet shall contain a cover sheet that contains the project name and applicant’s name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.
2. **APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
3. **APPLICATION FEE** - The required fee for Subdivision shall accompany the application. The check is to be made payable to "Clark County Community Development".
4. **PRE-APPLICATION CONFERENCE REPORT** – A copy of the “Pre-Application Conference Report” must be submitted.
5. **DEVELOPER’S GIS PACKET INFORMATION**
A copy of the “Developer’s GIS Packet” shall be submitted with the Subdivision application submittal. This packet is available from the Customer Service Center for **\$30.00**, and must be ordered [(360) 397-2375 ext. 4082] at least 24 hours prior to pickup. The packet includes the following:
 - General Location Map
 - Property Information Fact Sheet
 - Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
 - Elevation Contours Map
 - Photography Map
 - Photography Map with Contours
 - Zoning Map
 - Comprehensive Plan Map
 - Water, Sewer and Storm Systems Map
 - Soil Type Map

- Environmental Constraints Map
- Quarter Section Map

6. **NARRATIVE**

A written narrative shall be submitted that addresses the following:

- ☐ Description of the request
- ☐ Area of the site (acres or square feet)
- ☐ Related or previous permit activity
- ☐ Statements which fully analyze how the zone change request meets or exceeds each of the applicable approval criteria and standards including CCC 40.560.020(H) and other criteria and issues outlined in the pre-application conference report. Please see the “What criteria does staff use to review the application?” section of this handout for additional information

7. **TRAFFIC STUDY**

- ☐ Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the State of Washington, with special training and experience in traffic engineering. If a traffic study is required, the county will provide a scope of the study at the pre-application conference.
- ☐ Traffic study must be stamped, signed, and dated by a Professional Civil Engineer registered in the State of Washington.

8. **STATE ENVIRONMENTAL REVIEW**

A State Environmental Policy Act (SEPA) ENVIRONMENTAL CHECKLIST must be completed with the original signed in ink. *(Available at the Customer Service Center)*

9. **SEWER PURVEYOR UTILITY REVIEW LETTER**

A utility review must be submitted from the public sewer purveyor, or 1 copy of a preliminary soil suitability analysis, or equivalent, for on site systems from the Health Department. For existing septic systems, provide a copy of the original approval. *(Clark County Health Department is located at 2000 Fort Vancouver Way, Vancouver, (360) 696-8428)*

10. **WATER PURVEYOR UTILITY REVIEW LETTER**

A utility review must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal (as specified within the “Pre-Application Conference Summary Report”). Or provide current evidence of the availability of suitable ground water where the water purveyor has determined public water or community water systems cannot be provided. *(Contact the Clack County Health Department).*

11. **HEALTH DISTRICT DEVELOPMENT REVIEW EVALUATION LETTER**

A Development Review Evaluation letter from the Southwest Washington Health District must be submitted. This evaluation is conducted to identify any on-site water wells or septic system. *(Contact the Clark County Health Department).*

12. **COVENANTS OR RESTRICTIONS**

All existing covenants or restrictions and/or easements that apply to the property must be submitted. *(Available from a Title Company)*

13. ASSOCIATED APPLICATIONS

Applications associated with the preliminary plat (e.g., archaeological, critical aquifer recharge areas [CARA], floodplain, forestry, geo-hazard, habitat, shoreline, wetland, road modification, variances, etc.) must be submitted with this application (see Pre-Application Conference Report).

14. **SUBMITTAL COPIES:**

- ____ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures; and,
- ____ One copy of any special studies (e.g., wetland, floodplain, etc) and bound separately.

When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal, including copies of the "Developer's GIS Packet". The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the Fully Complete review, and be bound using jumbo clips, stapled, comb or spiral binding, etc.

Copies of any special studies (as identified within the "Pre-Application Report") as following:

- ☐ 1 original and 3 copies – Archeological Pre-Determination Report
- ☐ 1 original - Archeological Study
- ☐ 1 original and 3 copies - Traffic Study and Road Modification requests
- ☐ 1 original and 2 copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA) floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland).
- ☐ 2 reduced copies of 11" x 17" for all sheets larger than 11" x 17."

Staff Notes:

1. _____
2. _____
3. _____

This application was determined to be Counter Complete on: ____/____/____

Community Development Specialist: _____

ZONE CHANGE FEE SCHEDULE

The following fees must be paid upon submittal of a Zone Change application application.

Zone Change Application Fee: \$3,533

Non-Project Environmental Checklist Review (SEPA) \$1,822

(Unless submitted with another project related application such as a Subdivision or Site Plan Review in which case the SEPA fee associated with that case would apply):

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**